

REMARKS/ARGUMENTS

Claims 1-15 are pending in the present application. Claims 2, 3, 4, 6, 11 and 12 were amended. No claims have been added and no claims have been canceled. Applicants have carefully considered the newly cited reference and the Examiner's comments, but believe claims 1-15 patentably distinguish over the cited reference and are allowable in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 3, 4, 6 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

By the present Amendment, claims 3, 4, 6 and 11 have been amended to correct the objectionable language noted by the Examiner, and these claims are now believed to be clear and definite in all respects and to fully satisfy the requirements of 35 U.S.C. § 112, second paragraph. The Examiner is thanked for bringing these errors to Applicants' attention. Minor errors noted in claims 2 and 12 have also been corrected, and claims 1-15 are all believed to fully satisfy the requirements of 35 U.S.C. § 112, second paragraph in their present form.

Therefore the rejection of claims 3, 4, 6 and 11 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by Eytchison (U.S. Patent No. 6,363,434). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

12. As to claim 1, Eytchison teaches a client server system using distributed objects, comprising: a client connected to a communication network for performing an access request to an object (col. 6, line 64-col. 7, line 11); an application server for performing an application by an actual object according to the access request by said client (col. 6, line 64-col. 7, line 11, the proxies on the home server the application); and an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is part of said actual object (col. 7, lines 20-29, the resource manager pools representations of the proxy devices), wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server (col. 7, lines 20-28).

Office Action dated July 14, 2005, page 4.

Claim 1 of the present application is as follows:

1. A client server system using distributed objects, comprising:
 - a client connected to a communication network for performing an access request to an object;
 - an application server for performing an application by an actual object according to the access request by said client; and
 - an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object, wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single prior art reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of a claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference

broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

Applicants respectfully submit that Eytchison does not identically show every element of the claimed invention arranged as they are in the claims; and, accordingly, does not anticipate the claims. With respect to claim 1, in particular, Eytchison does not teach or suggest "A client server system using distributed objects", and does not teach or suggest such a system that includes "an application server for performing an application by an actual object according to the access request by said client", or "an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object, wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server".

Eytchison describes a system for managing consumer electronic media devices such as a DVD player, a TV, a VCR and the like. The system includes a plurality of software device proxies 370a-370l in a home server 214 that control the various electronic devices. A resource manager 320 in the home server determines the availability of particular devices, available bandwidth, and the like, and transmits the necessary commands to the device proxies to control the electronic devices.

Eytchison does not disclose "A client server system using distributed objects" as recited in claim 1. As described for example, at page 1, lines 14-18 of the present specification:

Distributed objects are made from data, applications, or processes and the like, and can be accessed from any place in a network and used for tasks. More specifically, they enable an object oriented method call to be remotely operated, and constructed as middleware implementing an object-oriented programming interface in the upper layer of the socket level.

The electronic devices in Eytchison are physical devices and are not distributed objects in a client server system as recited in claim 1.

For substantially the same reason, Eytchison does not disclose proxy objects as recited in claim 1. Specifically, as explained at page 1, line 18 to page 2, line 2 of the specification:

In the distributed object programming technique, an object in a remote machine appears in the local machine as if it were a mirage, and the remote object can be freely manipulated by operating on it. The distributed object mirage is called a proxy object (agent object), which is apparently the same as the object on the remote machine (actual object: remote object), but it exists as an agent rather than a real object, and the first access point for the client is a Web server instead of the actual server.

The device proxies in Eytchison are not the same as the proxy object recited in claim 1. In Eytchison, the device proxies are software in home server 214 that control the physical electronic devices. They are not "mirages" of the electronic devices. This fact is clearly described in col. 7, lines 4-11, referred to by the Examiner:

If the devices and the bandwidth are available, the resource manager 320 will return a "granted" signal and transmits the necessary control commands to the software device proxies 370a-370l. The software device proxies 370a-370l then control the devices via IEBE 1394 bus interface 380. (Emphasis added.)

Eytchison also does not appear to disclose or suggest "an application server for performing an application by an actual object according to the access request by said client", or "an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object, wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server" as recited in claim 1.

Eytchison discloses a client server 214 that includes all the components illustrated in Figure 3 of Eytchison. It is not clear whether the Examiner considers client server 214 to be the application server in claim 1 or the object pool server in the claim. Eytchison does not disclose a client server system that includes "an application server for

performing an application by an actual object according to the access request by said client", and "an object pool server connected to said client through said communication network and connected to said application server for pooling a proxy object corresponding to said actual object and for holding actual object management information that is information on said actual object, wherein said application server notifies said object pool server of an event according to a change in status of said application, and said object pool server automatically updates said actual object management information according to the notification of said event from said application server" as are recited in claim 1.

For at least all the above reasons, claim 1 is not anticipated by Eytchison and is believed to be allowable thereover in its present form.

Claim 2 depends from and further restricts claim 1 and is also not anticipated by Eytchison, at least by virtue of its dependency.

Independent claim 3 is directed to an object pool that uses distributed objects and is as follows:

3. An object pool using distributed objects, comprising:
 - a client request analyzing unit for analyzing an access request to an object;
 - an object information storage unit for storing object information at a termination process of said object pool;
 - an object creating unit for creating an object at a starting process of said object pool according to said object information stored by said object information storage unit; and
 - an object managing unit for pooling the object created by said object creating unit before accessing said object from said client.

Eytchison does not disclose an object pool using distributed objects as discussed above with respect to claim 1, and, in addition, does not disclose "an object creating unit for creating an object at a starting process of said object pool according to said object information stored by said object information storage unit", and "an object managing unit for pooling the object created by said object creating unit before accessing said object from said client". The Examiner refers to col. 7, lines 12-28 of Eytchison as disclosing these features. Applicants respectfully disagree. Col. 7, lines 12-28 of Eytchison reads as follows:

Importantly, according to the present invention, resource manager 320 allows the resources of home network 200 to be checked-in or checked-out independent of application requests. At any time, the resource manager 320 can reclaim checked-out resources and reallocate them to other users. Likewise, a reserved resource can be reclaimed and reallocated to other users or reallocate them back into the resource pool 340.

According to the present invention, the resource manager 320 of FIG. 3, upon initialization of the home server 214, scans the home network 200 and determines all the available resources. Data representative of the routing paths and their bandwidths are then stored within path database 330. Data representative of the available devices are stored within resource pool 340. As the resources of the home network 200 changes, the resource manager 320 modifies the path database 330 and the resource pool accordingly.

This recitation in Eytchison nowhere discloses "an object creating unit for creating an object at a starting process of said object pool according to said object information stored by said object information storage unit", nor "an object managing unit for pooling the object created by said object creating unit before accessing said object from said client". The recitation talks only about checking in or checking out electronic devices, not about creating an object or pooling the created object as recited in claim 3.

For at least all the above reasons, claim 3 is also not anticipated by Eytchison and is believed to be allowable thereover in its present form.

Claim 4 depends from and further restricts claim 3 and is also not anticipated by Eytchison, at least by virtue of its dependency.

Independent claim 5 is directed to a client server system using distributed objects, and is not anticipated by Eytchison for similar reasons as discussed above with respect to claim 1. Claims 6 and 7 depend from and further restrict claim 5 and are also not anticipated by Eytchison, at least by virtue of their dependency.

Independent claim 8 is directed to an object pooling method, and is also not anticipated by Eytchison for similar reasons as discussed above with respect to claim 3. Claim 9 depends from and further restricts claim 8 and is also not anticipated by Eytchison, at least by virtue of its dependency.

Independent claims 10, 11, 12, 14 and 15 are also not anticipated by Eytchison for similar reasons as discussed above with respect to claims 1 and 3, and should be allowable in their present form, together with claim 13, dependent on claim 12.

Therefore, the rejection of claims 1-15 under 35 U.S.C. § 102(e) has been overcome.

Furthermore, Eytchison does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. As described above, Eytchison does not disclose, and is not related to, a client server system using distributed objects; and one of ordinary skill in the art would not be led to modify Eytchison to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Eytchison in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

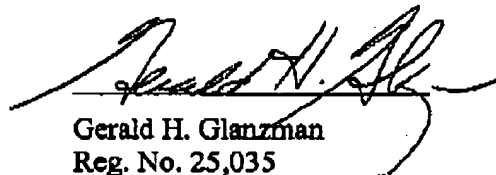
III. Conclusion

For all the above reasons, it is respectfully urged that claims 1-15 are allowable in their present form, and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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